



# **FREDERICK COUNTY PLANNING COMMISSION**

## **December 13, 2017**

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**TITLE:** **Mountaindale Convenience Store**

**FILE NUMBER:** **SP-07-33, AP# 17709, APFO# 17710, FRO# 17711**

**REQUEST:** **Site Plan and APFO Approval**

The Applicant is requesting site plan approval for the construction of a 4 pump diesel fueling station for trucks in association with the previously approved 20-pump automobile fueling station and 7,200 square foot accessory convenience store on a 4.00 acre site.

### **PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 6825 Putman Road, located at the southwest corner of US 15 and Putman Road, south of Baugher Road.

**TAX MAP/PARCEL:** Tax Map 40, Parcel 546

**COMP. PLAN:** General Commercial

**ZONING:** General Commercial

**PLANNING REGION:** Frederick

**WATER/SEWER:** W-NPS, S-NPS

### **APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Julian Mitchell

**OWNER:** BB&T Wealth Management

**ENGINEER:** Terra Solutions Engineering, LLC

**ARCHITECT:** N/A

**ATTORNEY:** N/A

**STAFF:** Denis Superczynski, Principal Planner II

### **RECOMMENDATION:**

Conditional Approval

### **ATTACHMENTS:**

Exhibit 1 – Site Plan Rendering

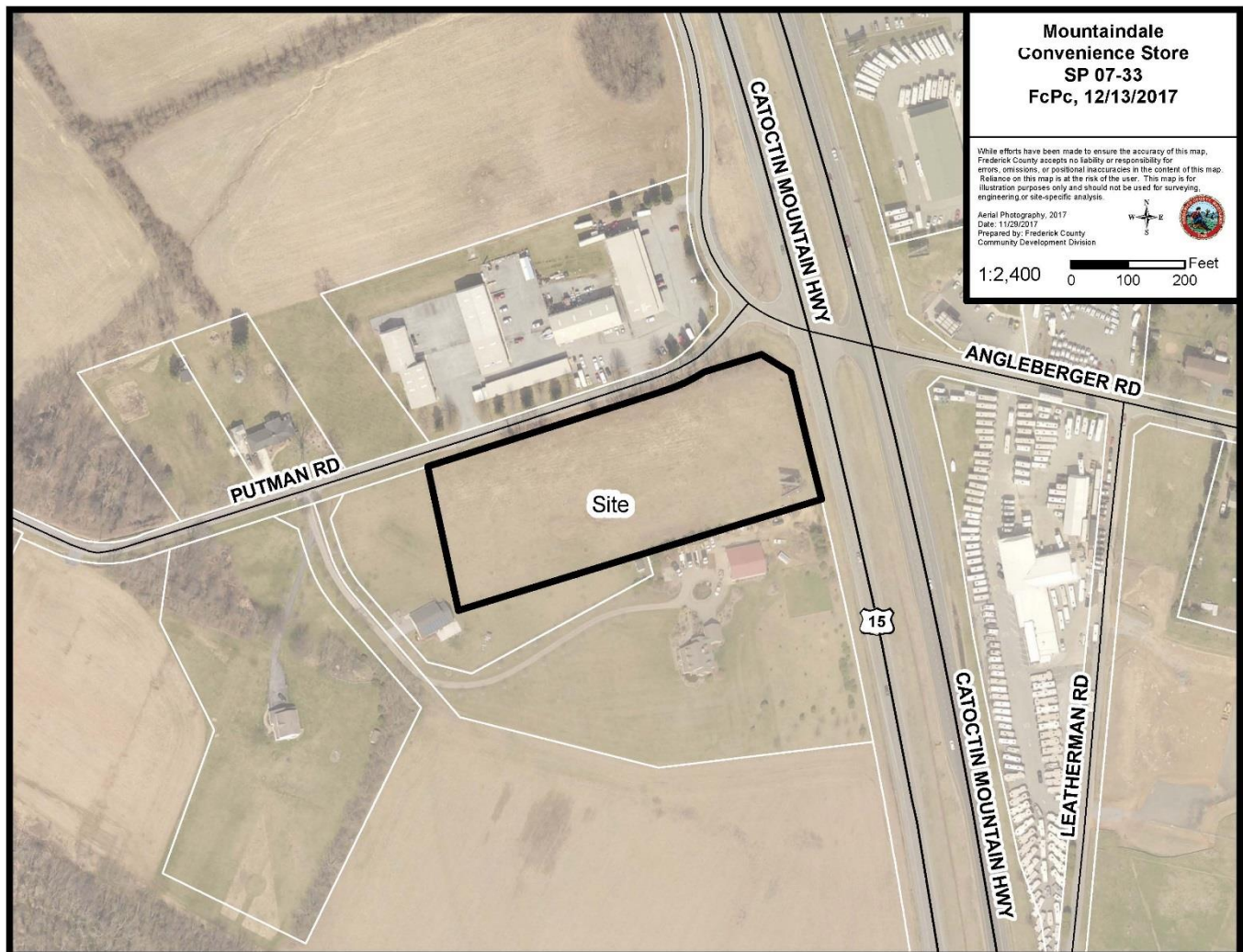
Exhibit 2 – Justification for FCPC Reconsideration of previously considered Site Development Plan

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting site plan approval for the construction of a 4-pump diesel fueling station in association with the previously approved 20-pump automobile filling station and 7,200 square foot accessory convenience store on the 4.0 acre site located at the intersection of Auburn Road, Putman Road, and US15 near Lewistown. The proposed use is being reviewed as an “Automobile filling and service station” with an accessory convenience store land use under the heading of *Automobile and Related Services* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the General Commercial Zoning District subject to site development plan approval. See Figure 1 below.



**Figure 1: Site Vicinity Map – Aerial Image**

## BACKGROUND

### Development History

On June 11, 2014, the Applicant received a conditional approval from the FCPC, for the 20-pump fueling station and accessory convenience store. The Planning Commission did not grant approval for the 4-pump diesel fueling station citing Section 1-19-3.300.4(B) of the Zoning Ordinance (Site Plan Approval Criteria) which requires that the Planning Commission find that the “...*transportation system and parking*

*areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.”*

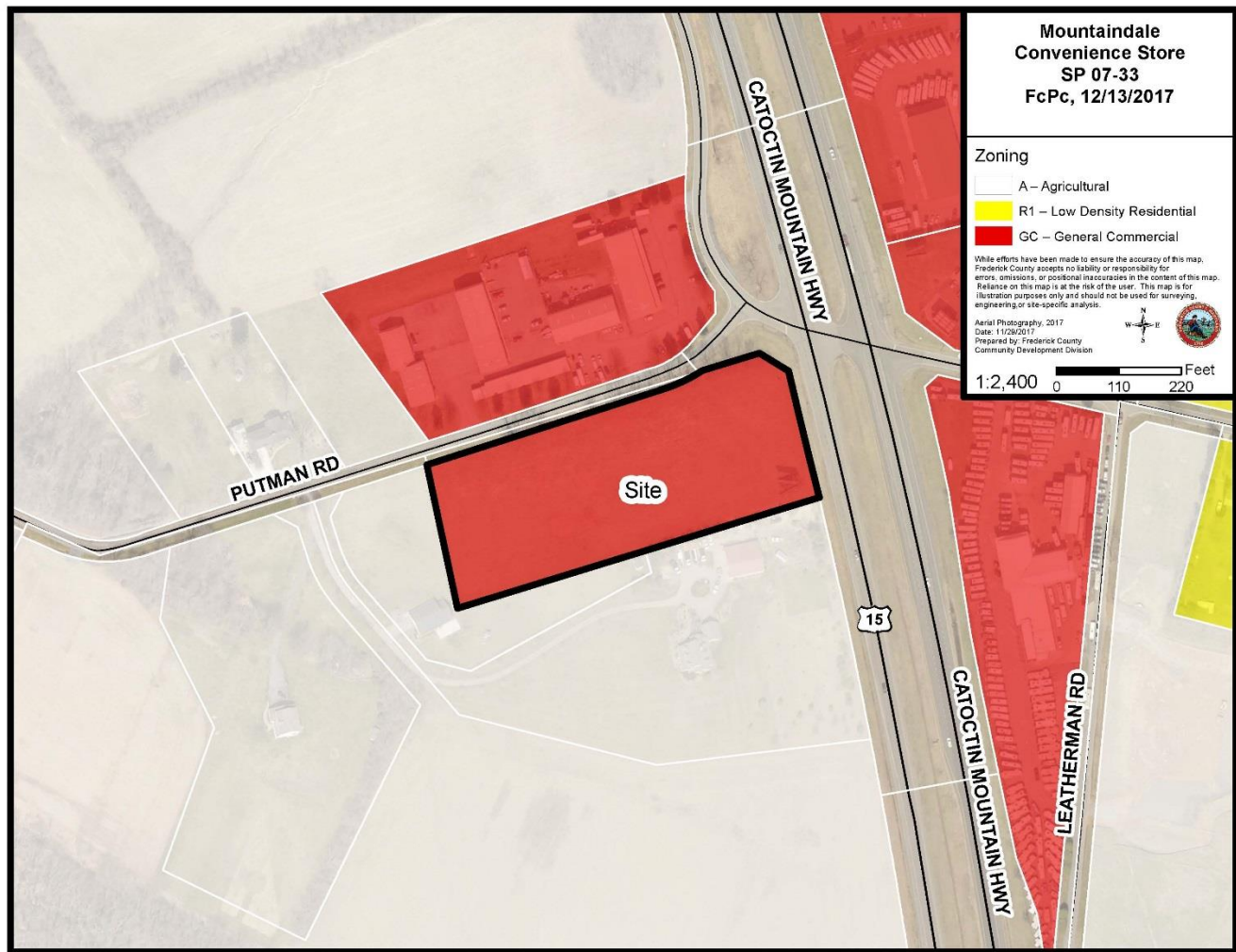
The Applicant has submitted, with this application, a revised plan that addresses the issues raised under Section 1-19-3.300.4(B) as follows:

1. The five (5) truck parking spaces have been lengthened from 55 feet to 70 feet to allow for perpendicular parking to address the FCPC concern regarding truck maneuverability on the western side of the facility.
2. The fueling island and canopy size have been reduced to allow additional space for the maneuvering of trucks near the parking spaces and diesel fueling pumps.
3. Fueling pumps will not be operable at night during the hours when the facility is closed.
4. The site will be gated – and locked – between the hours of 11:00pm and 4:00am when the facility is closed.
5. On-site idling or overnight parking of vehicles will be prohibited during the overnight hours of closure.

Additionally, the Applicant has demonstrated compliance with other conditions set forth in the June 2014 FCPC approval including:

- Updates to the landscape plan pursuant to FCPC conditions;
- Note on the site plan indicating the combining of the two original lots into a single parcel as required in the original FCPC approval;
- Completion of required APFO LOU improvements/payments.

The Applicant has also provided illustrated indicators (Sheet 3 of the site plan set) identifying where fueling canopy sizes have been reduced, where truck parking spaces have been elongated, and where new internal circulation patterns have been revised in the 2017 plan.



**Figure 2: Site Vicinity Map – Zoning**

### Existing Site Characteristics

The Site is currently under construction with the convenience store substantially constructed and automobile pump islands/canopy installed. The site is currently zoned General Commercial. The property to the north of the site is also zoned General Commercial and developed with several businesses. The properties to the west, and south are residential, while US 15 runs along the eastern property boundary. See Figure #2 above.

## ANALYSIS

### Summary of Development Standards Findings and Conclusions

The key issues associated with this site plan include:

- Seeking approval of modifications to a previously-approved site plan application
- Functional layout and location of the proposed diesel fuel pumps and associated truck parking/circulation areas

### Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

## **Findings/Conclusions**

- 1. Dimensional Requirements/Bulk Standards §1-19-6.100:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements for an 'Automobile and Related Service' land use within the General Commercial zoning district are 25-foot front yard and 25-foot rear yard, with 8-foot side yards. The maximum height allowed is 60 feet. The minimum lot size for the zoning district is 12,000 square feet.

The addition of the diesel fueling pumps and canopy occurs within the envelope defined by the dimensional standards of the zoning ordinance and does not encroach on front, side, or rear yard requirements. The height of the proposed diesel pump canopy is 15 feet, matching the vertical height of the existing automobile fueling area canopy.

The proposed plan meets the Bulk/Dimensional requirements.

- 2. Signage §1-19-6.300:** The site is subject to the signage requirements set forth in Zoning Ordinance Section 1-19-6.320.

Signage allowed for this site is calculated at 10 X Square Root of the linear footage of the side of the building facing a public street plus the side of the building on which the primary access is located. Based on these provisions, the maximum allowable building signage is 134 square feet.

The Applicant is not proposing any changes to the currently approved signage planned for the site.

- 3. Landscaping and Screening §1-19-6.400:** Landscaping is required in relation to the proposed improvements or additions that are occurring on site. The Applicant is meeting Zoning Ordinance requirements through a combination of preserving as much of the existing on-site landscaping and providing additional landscaping where needed. While the addition of the diesel fuel pumps and canopy on the western side of the convenience store will be visible from some surrounding properties – and US 15 – the proposed vegetative screening is sufficient to diminish this visual impact. The location of six heat pumps in the area at the southwestern corner of the store has resulted in the removal of one Fringe Tree from the planting plan. Staff recommends finding an alternate location on the site for the planting of a similar tree, with the priority given to those planting areas best able to screen the view of the back of the convenience store from public roadways. This site plan proposal complies with the landscaping requirements of 1-19-6.400.

- 4. Lighting §1-19-6.500:** The Zoning Ordinance provides that the maximum height of pole and building mounted lighting is 18' for commercial uses and that lighting shall not exceed .50 foot-candles as measured from the property line. A modification of the maximum height for pole lighting was approved by the FCPC in 2014 allowing for a maximum 20.5 ft. height standard on this site. No additional lighting, other than that within the diesel fuel canopy structure, is proposed for this revised site plan.



## **Conditions**

The Applicant shall indicate an appropriate location for the displaced Fringe Tree with the priority given to those planting areas best able to screen the view of the back of the convenience store from public roadways.

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

## **Findings/Conclusions**

1. **Access/Circulation:** Access to the site will be via Putman Road. The site plan is proposing one 35 foot wide, full movement access point onto Putman and one 20 foot wide exit only access onto Putman Road. The Applicant is required to widen Putman Road to 20' along its area of disturbance and construct a concrete median at the corner of Putnam Road and US 15 in order to preclude left turns onto and through movements across US 15.
2. **Connectivity §1-19-6.220 (F):** The site connectivity to the east is limited due to the location of US 15. The site is served by two access points on the northern property boundary onto Putnam Road. Inter parcel connectivity is not encouraged to the west and south due to the adjacent Agricultural zoning district surrounding the site.
3. **Public Transit:** This site is not served by Transit.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The convenience store portion of the site requires 1 space for every 300 square feet of floor area devoted to customer service. Therefore 7,200 square feet of customer service area requires 24 parking spaces, including a 730 square foot office, which requires 1 space for every 300 square feet of office space, therefore an additional 2 spaces are need. Therefore, the Applicant is required to provide 26 parking spaces on site; the Applicant is proposing 29 spaces including 2 ADA accessible spaces. The Applicant is also proposing five additional 14'x50' tractor trailer parking spaces on the western portion of the site. Staff has reviewed the proposed tractor trailer parking spaces and has determined that they are adequately sized and located on site in order to reduce potential conflicts with vehicular traffic (autos and trucks) and pedestrian circulation. A tractor trailer turning template has been provided on the site plan which clearly shows the ideal circulation route for tractor trailers. The inclusion of the diesel pumps has necessitated a slightly reconfigured paved area to accommodate the 5 truck spaces, as well as an adequate area for maneuvering trucks into and out of the parking bays and into the fueling bays. The dumpster enclosure has been relocated to an area along the southern property boundary and is located in such a way as to minimize conflicts with visiting customers.

**Zoning Ordinance Section 1-19-6.220.A.1** states; *For the purpose of this chapter, the parking space requirements in the following table will apply. Parking shall be limited to the number of spaces required based on an evaluation of each proposed use, hours of operation, and joint or shared parking agreements. An increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission.*

Other than the revised orientation and configuration of the truck parking spaces, no changes to the approved parking plan are proposed.

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant is not proposing any changes to the proposed bicycle parking in this plan. The Zoning Ordinance requires the provision of 1 bike rack for every 20 parking spaces, therefore the Applicant is required to provide two (2) bike racks. The Applicant is proposing four (4) bike racks and therefore complies with this requirement. The placement of the diesel fueling station does not interfere with the proposed placement of the bicycle parking area near the northwestern corner of the convenience store.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant is not proposing any changes to the currently approved pedestrian circulation planned for the site. There are pedestrian crosswalks leading from the proposed fuel islands to the convenience store as well as full sidewalks around the perimeter of the convenience store. A direct sidewalk connection between the diesel fueling station and the convenience store entrance is maintained in this revised plan.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

#### **Findings/Conclusions**

1. **Private Well and Septic:** No changes are proposed affecting water and sewer utilities on site. The Health Department has conditionally approved the proposed site plan.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

#### **Findings/Conclusions**

1. **Topography:** The topography is rather flat, with slopes significantly less than 15%. The site sits only a few feet higher than the US 15 road bed.
2. **Vegetation:** The entire site is clear of any large stands of natural vegetation and is currently under construction as the convenience store and automobile fueling pumps and canopy near completion.
3. **Sensitive Resources:** There are no sensitive environmental features located on this site.
4. **Natural Hazards:** There are no natural hazards located on this site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

## **Findings/Conclusions**

1. **Proposed Common Area:** There are no common areas proposed as part of this development proposal.
2. **Ownership:** This site is a non-residential place of business and is under single ownership

## **Other Applicable Regulations**

**Moderately Priced Dwelling Units – Chapter 1-6A:** The proposed use is non-residential; therefore, MPDU's are not required.

**Stormwater Management – Chapter 1-15.2:** Stormwater Management (SWM) shall be provided in accordance with the 2000 Maryland Stormwater Design Manual, and according to the 2007 SWM Act. SWM will be provided within a series of on-site micro-bioretenion (M-6) facilities. A SWM Concept Plan (AP 13964) has been reviewed and approved by Staff.

## **APFO – Chapter 1-20:**

1. **Schools.** Schools are not impacted because the proposed development is a non-residential use.
2. **Water/Sewer.** The site is to be served by private well and septic and is classified NPS, and is therefore exempt from APFO Water/Sewer.

**Roads.** This site plan modification will not increase trip making intensity and is thus exempt from further analysis.

**Period of Validity:** The APFO LOU conditions have been satisfied by the Applicant.

**Forest Resource – Chapter 1-21:** FRO mitigation was provided under the previously approved FRO plan (FRO#13960) via an on-site FRO easement.

**Historic Preservation – Chapter 1-23:** There are no historic properties located on this site; however the site is adjacent to the federally- and locally-recognized Scenic Byway. The Applicant has worked with Staff to provide landscaping along the perimeter of the site that will provide screening and improve aesthetics.

## **Summary of Agency Comments**

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Public Works Development Review (PWDR):</i></b>	<i>Conditional Approval</i>
<b><i>Development Review Planning:</i></b>	<i>Conditional Approval</i>
<b><i>State Highway Administration (SHA):</i></b>	<i>Approved</i>
<b><i>Street Name Review</i></b>	<i>Approved</i>



<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Health Dept.</b>	<i>Conditional Approval</i>
<b>Office of Life Safety</b>	<i>Approved</i>
<b>Traffic Engineering</b>	<i>Conditional Approval</i>
<b>APFO</b>	<i>Approved</i>
<b>FRO</b>	<i>Approved</i>

## **RECOMMENDATION**

Staff has no objection to the conditional approval of the revised Site Plan. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval (December 13, 2020).

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. The Applicant shall indicate an appropriate location for the displaced Fringe Tree with the priority given to those planting areas best able to screen the view of the back of the convenience store from public roadways.

## PLANNING COMMISSION ACTION

### MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Plan SP-07-33 (AP# 17709) **with conditions** and modifications as listed in the staff report for the addition of a 4-pump diesel fueling station (with canopy) for trucks to the previously approved 20-pump automobile filling station with a 7,200 square foot accessory convenience store, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



Exhibit 1: Site Plan Rendering

## Mountaindale Convenience Store – Site Plan

December 13, 2017

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# **Terra Solutions Engineering, LLC**

*Commercial & Residential Land Planning and Engineering*

*"Solutions through experienced Engineering"*

5216 Chairmans Court, Unit 105  
Frederick, Maryland 21703-2881

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November 1, 2017

Mr. Denis Superczynski  
Frederick County Division of Permitting  
and Development Review (DPDR)  
30 North Market Street  
Frederick, MD 21701

Re: **Mountaindale Convenience Store**  
**Tax Map 40, Parcel 546**  
Situated at 6825 Putman Road  
**File #: SP-07-33, Project No.: 17709**

Dear Mr. Superczynski:

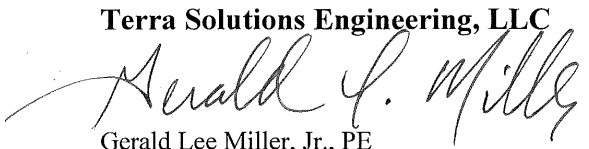
Pursuant to our recent Technical Advisory Committee (TAC) Meeting, I'm writing you to provide additional information and as a Justification Statement for the revised Site Plan for the subject project. A combination of site design adjustments have been made to enhance the plan and address the various concerns raised by the previous Planning Commission (PC) Board at their June 11, 2014 public hearing. The following site adjustments have been made with this revised Site Plan:

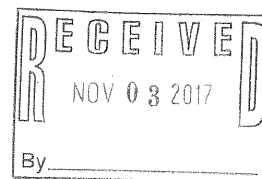
1. The five (5) truck parking spaces have lengthened from 55-feet to 70-feet to allow for perpendicular parking to address the concern of maneuverability on the western side of the facility, which was raised as a major by the Planning Commission in June 2014.
2. The fueling island and canopy size were reduced to allow for more maneuverability around the site.
3. The fuel pumps will all be shut-off at night during the hours the facility is closed.
4. Pursuant to the previous PC discussion, the site will be gated and locked during the hours between 11:00 PM and 4:00 AM when the facility is closed.
5. No idling or overnight parking will be allowed by any vehicles when the facility is closed.

Thank you for your consideration and support of our request, and please feel free to contact us with any questions or comments related to this Justification Statement.

Sincerely,

**Terra Solutions Engineering, LLC**

  
Gerald Lee Miller, Jr., PE  
President



Cc: Mr. Julian Mitchell

Mountaindale Convenience Store

1 of 1

*Terra Solutions Engineering, LLC*

**Exhibit 2: Justification Statement from Applicant**

**Mountaindale Convenience Store – Site Plan**

December 13, 2017

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